

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. To this end, ***petition is hereby made for a one (1) month extension of time*** to respond to the outstanding Final Office Action of ***April 27, 2011***. In addition, a ***Request for Continued Examination*** of this application is hereby made, a more formal version of this request being filed with this Amendment After Final Rejection. Although the fees for the extension of time and the request for continued examination are being submitted with this Amendment After Final Rejection, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Claims 1, 3 – 13 and 15 – 25 are pending in this application. Upon entry of this Amendment, no claims will be amended.

In the outstanding Final Office Action, the Examiner rejected claims 1 – 25 under 35 U.S.C. §103(a) as being unpatentable over Thorvaldsson (U.S. Patent No. 6,546,304) in view of Ramsay (U.S. Patent Application Publication No. 2004/0177011), notwithstanding that claims 2 and 14 were cancelled in the Amendment filed February 1, 2011. In newly rejecting the claims under §103(a), the Examiner did not specifically address the remarks/arguments made in the February 1, 2011 Amendment regarding the deficiencies in the teachings of Thorvaldsson. Rather, the Examiner simply repeated her previous assertions about Thorvaldsson's teachings, noting simply that "Applicant's [sic, Applicants'] arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection."

In the new ground of rejection under §103(a), the Examiner combined Thorvaldsson with Ramsay, arguing:

Thorvaldsson, however, fails to explicitly disclose assigning an identifier to a batch. Ramsay discloses the assignment of an identifier to a batch (See Paragraph 110) for the purpose of associating further shipments of meat to the batch it was grouped with. (See Paragraph 110). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Thorvaldsson by assigning an identifier to a batch for the purpose of associating further shipments of meat to the batch it was grouped with.

4/27/11 Final Office Action, pp. 6 – 7.

The Examiner's rejection is respectfully traversed.

For a claimed invention to be obvious over a combination of prior art references, there must be some reason as to why one of ordinary skill in the art would have combined the references, as argued by the Examiner, to produce the claimed invention.

Here, even assuming, *arguendo*, that the Examiner properly combined the cited Thorvaldsson and Ramsay references, the result would still not be the claimed apparatus because together the references do not disclose the claimed information handling and food processing system and method.

Applicants continue to respectfully disagree with the Examiner and her interpretation of the disclosure of Thorvaldsson. In this regard, Applicants assert that Thorvaldsson discloses an information handling system for meat being conveyed through a number of processing stations, where the information is used to trace the processing history of a piece of meat, as well as the origination of the meat. Applicants agree with the Examiner that Thorvaldsson's system deals with items being batched, but Applicants contend that Thorvaldsson's system does not trace and store information regarding the items which end up in batches, but rather collects information regarding the processing and the handling of the meat items.

Applicants note that the Examiner maintains her argument that Thorvaldsson discloses assigning data from the data set of the first type representing the origination of the selected sub-

items to the batch by citing col.5, lines 18-26, *see, e.g.*, 4/27/11 Final Office Action, pp. 4 – 5, which reads as follows:

A conveyor system moves the meat between each of the areas or between processing stations in each of the areas. Presently, the conveyors of meat processing facilities are typically adapted to convey the meat in batches such as in bins or on hooks. In order to enable that the origination of a piece of meat can be traced, e.g. in order to find out from which animal or from which farm the meat originated, meat from an animal or at least from a quarter of the animal is stored and transported in one batch.

Thorvaldsson, col.5, lines 18-26.

The claimed information handling and food processing system and method, however, discloses how data regarding each item, which ends up in a batch, is stored as a data set of a first type and where the data for each item (selected sub-items) in the batch is assigned to the batch.

Applicants contend that Thorvaldsson does not teach tracing the positions of the item and each sub-item by the computer system and assigning to a batch information on each of the sub-items in the batch, but rather, that Thorvaldsson merely discloses transporting in the same batch sub-items from the same animal or quarter of an animal to enable tracing the origin of a single batch. Applicants further contend that Thorvaldsson does not teach that the items can originate from different animals or that each of the sub-items in the batch have information data stored and assigned to the batch.

Applicants also contend that Ramsay deals with how one or more hoppers of meat are inserted and mixed in a hamburger patty forming machine and that the origin of the meat in a plurality of hamburgers in a box is recorded and each box is given an ID for tracing contaminated raw material. Thus, Applicants conclude that this can hardly be construed as following individual pieces of meat through a processing, batching and packing line.

Applicants further contend that the claimed information handling and food processing system and method, include the novel steps of:

- storing a data set of a first type representing origination of an item in memory of a computer system,

- assigning data from the data set of the first type representing the origination of the selected sub-items to the batch, and

- assigning an identifier to the batch,

which Applicants also contend are not disclosed by Thorvaldsson and Ramsay, either alone, or in combination. As such, Applicants conclude that claims 1, 3 – 13 and 15 – 25 are not obvious over the combination of Thorvaldsson and Ramsay.

In view of the foregoing, it is believed that all of the claims currently pending in the application, *i.e.*, claims 1, 3 – 13 and 15 – 25, should now be in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Robert A. Molan/
Robert A. Molan
Reg. No. 29,834

RAM:prb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100